

United States District Court
District of Delaware

James Arthur Biggins,
Plaintiff,

vs.
GOVERNOR: Ruth Ann Minner, et al.,
Defendants.

C.A. No. 08-04 GMS

FILED
MAR - 4 2008
U.S. DISTRICT COURT DISTRICT OF DELAWARE

Dated: February 29, 2008

To: Mr. James E. Denec, Esquire
Balick and Balick Attorney's at Law
711 King Street
Wilmington, Delaware 19801

Dear Mr. Denec:

Please except this letter regarding CMS medical personnel, more specifically certain doctors and/or nurse practitioners. In the past I have voiced my concerns regarding the unprofessional conduct of Dr. Sattie Bombeay Ali and NP: Thoma Chucks, in so doing I've requested that neither be involved in any medical treatment or decisions made on my behalf. Further noticeably missing from your submission of my medical history is any evidence of my former requests.

Therefore, am reiterating those requests and to include the prohibition of any medical procedures or decisions made by Dr. Louise Desrosiers. Due not only to her past medical practices, but also involves those that has come to light through my evaluation of those portions of my medical history that you have provided for the court. Such as failing to inform me of the results of valuable tests detailing information that I need to know, but was never disclosed to me like having "renal failure" which I still don't know about or in the discrepancies between dates and what she exactly ordered and told me something different, or prescribing medications without bringing me in as required for consultation, etc.

However, the most astonishing event for me was her re-prescribing for me again on 2/21/08, the muscle relaxer "Paxilane forte". Demonstrated for me that my health is not at the top of Dr. Desrosiers list. As i have already provided, this drug is fundamentally unsafe for me to take and is known to cause me irregular bowel movements and a bloody stool. Not to mention the conditions it causes to liver and kidneys, just goes to show how unethical CMS medical personnel decisions can range! So as my eight im requesting that the before mentioned person's have no performances associated with me and in light of this ongoing litigation between the parties. Mr. Devee, this in no will prohibit CMS from caring for me on annual visits for chronic care (which is the only times that im seem) because i can be scheduled for transport to the main compound for treatment to be cared for by Dr. Freedick Vandusen or others. This further does not put a undue burden upon DCC, because transports are run daily for various reasons.

Thus, im withdrawing my consent to be treated by the above mentioned persons. Berezka v. Wilson, 668 A.2d 355, 360 (Del.Supe.1995) (citing Prosser and Keeton on Torts, §§9,18 (5th ed. 1984)). The intent need not be intended to cause harm; defendant need only make contact with the persons. Id. (citing Prosser and Keeton, §8 at 36). See also Newmark v. Williams, 588 A.2d 1108, 1116 (Del.Supe.1991).

X.C. File
 U.S. District Court
 Warden's Office
 CMS Admin: Ron Moore
 Bureau Chief: Rick Kennedy (via)
 Commissioner: Carl Danberg

James Arthur Biggins
 JAMES ARTHUR BIGGINS #399264
 Delaware Correctional Center
 1181 Paddock Road, Unit 22/A-18-4
 Smyrna, Delaware 19977

1. Evidence of claim see exhibits (A) Dr. Desrosiers last treatment; (B)(1) thru (C)(4) Letters, grievance and sick-call requesting medical treatment cease by certain medical personnel.



Treatment Topics & Resources

The Patient's Bill of Rights

The following was adopted by the US Advisory Commission on Consumer Protection and Quality in the Health Care Industry in 1998. Many health plans have adopted these principles.

Information Disclosure. You have the right to accurate and easily understood information about your health plan, health care professionals, and health care facilities. If you speak another language, have a physical or mental disability, or just don't understand something, assistance will be provided so you can make informed health care decisions.

MHU
Law Library

Choice of Providers and Plans. You have the right to a choice of health care providers that is sufficient to provide you with access to appropriate high-quality health care.

Access to Emergency Services. If you have severe pain, an injury, or sudden illness that convinces you that your health is in serious jeopardy, you have the right to receive screening and stabilization emergency services whenever and wherever needed, without prior authorization or financial penalty.

Participation in Treatment Decisions. You have the right to know your treatment options and to participate in decisions about your care. Parents, guardians, family members, or other individuals that you designate can represent you if you cannot make your own decisions.

Respect and Nondiscrimination. You have a right to considerate, respectful and nondiscriminatory care from your doctors, health plan representatives, and other health care providers.

Confidentiality of Health Information. You have the right to talk in confidence with health care providers and to have your health care information protected. You also have the right to review and copy your own medical record and request that your physician change your record if it is not accurate, relevant, or complete.

Complaints and Appeals. You have the right to a fair, fast, and objective review of any complaint you have against your health plan, doctors, hospitals or other health care personnel. This includes complaints about waiting times, operating hours, the conduct of health care personnel, and the adequacy of health care facilities.

**DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER**

This request is for (circle one): **MEDICAL** DENTAL MENTAL HEALTH

JAMES Arthur Biagins

Name (Print)

May 11, 1964

Date of Birth

Bldg #22 A-11-4

Housing Location

February 22, 2008

Date Submitted

#319264

SBI Number

Complaint (What type of problem are you having)? On 2/19/08, was seen by Dr. DESPOSIES

and was led to believe that she was prescribing me Tylenol #3 and Vicuron. However,

I have been given no Tylenol #3 and instead of Vicuron, I'm being given Panadol Forte which is

in my file as being "not able to take" because it gives me a blood stool and the runs. In essence

I still have no medication for pain relief. What was Dr. DESPOSIES treatment about? None!

To see a doctor!

James Arthur Biagins

Inmate Signature

February 22, 2008

Date

The below area is for medical use only. Please do not write any further.

S: You have a current order for Tylenol #3 & it
is in stock - GM/PN 2-25-08

O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A:

P:

E:

Provider Signature & Title

Date & Time

3/1/99 DE01

FORM#:

MED

263

Received 2-25-08, 0900 J. McKenrick

Ex(A)

EBT

To: Mr. Paul Howard
 Bureau Chief
 Department of Prisons
 24½ McKEE Road
 DOVER, DELAWARE 19904
 From: JAMES A. BIGGINS #319264
 DELAWARE Correctional Center
 Smyrna, Delaware 19977
 Date: January 8, 2005
 RE: Denial of Health Care

RECEIVED

JAN 14 2005 AC

Deputy Warden II

Dear Mr. Howard,

I would first like to acknowledge my great appreciation for your years of experience as a correctional administrator & individual consideration or care for my health care treatment in GRIEVANCE APPEAL No. #1982.

Attached hereto is a copy of your decision and my request that was made marked A and B. Sir, shortly after having received your decision I placed a sick call request slip with the medical department on Jan 3, 2005. I was seen by NPC (Thumio Chuchs), you should note that her attitude towards providing my proper health care remains as has been described in my initial grievance. SEE EXHIBIT MARKED C. NONETHELESS, I brought her up to speed as to what had taken place through the grievance system. Notwithstanding that she was aware that I was there about medical needs, she maintained that she knew nothing of the decision that had been rendered.

Ex(B)

Upon me telling her of your decision, she seemed in disbelief and requested proof. I showed her your Memo sent to me on or about Dec 30, 2004. See Exhibit A. After reading it she simply said "oh, there's nothing that I can do about your treatment. You will have to see Dr. Ali, all I can do is make you an appointment to see her". I ask her did she want to make copies of the paperwork that I had gotten from you for the record, she said no and didn't make any copies for Dr. Ali's review. Note, further that upon leaving NPC (I humio Chucks), Dr. Ali and myself passed one another. I didn't say anything to her because of what NPC (I humio Chucks) had told me.

Sir, despite being there another 4½ minutes no attempt was made to see me by Dr. Ali. Moreover, why do I need to be seen anyway? As you have decided and as the record speaks all the examinations and x-rays have been conducted and treatment has been determined. My pain and suffering continues. How long or what will it take for me to properly treated. I've also attached a copy of another grievance about the dental department's practice in delaying tooth extraction for 4 to 6 weeks in both non-emergency and emergency incidences. This too is deliberate indifference under the 8th Amendment. Respectfully, Sir, I'm looking forward to your reply to these concerns shortly.

Thank you,
James Allen Rogers

Xc: File
A.C.L.U. National Office
Office of the Lt. Governor
Superior Court (Judge's Chambers)

IN CARE OF: Ms. Debbie Rodweller
Medical Grievant Officer for CMS
Delaware Correctional Center
Smyrna, Delaware 19977
FROM: James Arthur Biggins #319264
Delaware Correctional Center
Smyrna, Delaware 19977
RE: Medical Staff Unprofessional Conduct
AND UNTRAINED Medical Practicing
DATE: July 24, 2006

Official Complaint

Dear Ms. Rodweller.

Under the advice and authority of institution grievant chairperson (Lisa M. Meeson). I have been told in writing to currently address all of my medical complaints regarding services and staff personnel treatment to you. And upon that advice this complaint is hereby being filed. In the pursuit of saving time, I have enclosed copies of the complaints I've submitted to the Dept of Administrative Services.

I further believe that you shall find each complaint self-explanatory and sufficiently demonstrates the parties conduct, acts or actions fully. And request that those parties be hereon prohibited from assisting or practicing any medical procedures regarding my health care. Refusal to do so will result in me proceeding with filing criminal charges of NEGLIGENCE AND INTENTIONAL BATTERY. SEE Bezoska v. Olson, 668 A.2d 1355, 1368 (Del. Supr. 1993) (citing Prosser and Keeton on Torts, §§ 9, 18 (5th Ed. 1984)), UNDER Newark v. Williams, 288 A.2d 1108, 1116 (Del. Supr. 1991) (holding a doctor may be liable for battery where he performed surgery on a child after the child's parents REJECTED treatment). I AM withdrawing consent to

HAVE GEORGE-ANNA (LAST NAME UNKNOWN) AND NURSE PRACTITIONER Thuma Chucks from ANY type of MEDICAL OR DENTAL PERFORMANCE OF SERVICE.

GEORGE-ANNA HAS REPEATEDLY SHOWN AN "HOSTILE ATTITUDE TOWARDS MY MEDICAL TREATMENT (HAVING WORKED IN SEVERAL DIFFERENT DEPARTMENTS). Mrs. Thuma Chucks operating as a (NURSE PRACTITIONER) HAS REPEATEDLY SHOWN A LACK OF PROFESSIONAL CONSIDERATION AS WELL AS LACKING IN HER QUALIFICATIONS, TRAINING AND LICENSING. SEE Hughes v. Doliet Correctional Center, 931 F.2d 425, 428 (7th Cir. 1991); Williams v. Edwards, 547 F.2d 1206, 1216-18 (5th Cir. 1977).

SINCERELY,
James Arthur Biggins

CERTIFICATE OF SERVICE

I, JAMES ARTHUR BIGGINS, declare under penalty of perjury that I have served true and correct copies of the attached: Letter of Complaint/Exhibits upon the following parties:

To: Cael Danberg (A.G.)
Carvel State Office Building, 6th Floor
820 North French Street
WILMINGTON, DELAWARE 19801

To: Warden, Thomas L. Carroll

Warden's Office
DELAWARE Correctional Center
Smyrna, Delaware 19972

By placing same in sealed ENVELOPES and depositing same in the U.S. Mail at the DELAWARE Correctional Center, Smyrna, DE 19972.

Dated: July 24, 2006

To: Bill Howard (B.I.P. Chief)
DELAWARE Bureau of Prisons
24½ Mc KEE Road
DOVER, DELAWARE 19904

To:

James Arthur Biggins
JAMES ARTHUR BIGGINS #319264
DELAWARE Correctional Center
Smyrna, Delaware 19972

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : BIGGINS, JAMES A	SBI# : 00319264	Institution : DCC
Grievance # : 61689	Grievance Date : 08/10/2006	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Health Issue (Medical)	Incident Date : 07/05/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg E, Tier B, Cell 8, Top	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: I was seen by NP Chucks who told me that she was under orders to discontinue anyone she seen who got Soma as a pain medication. So instead of reordering it as part of my med renewal, she did order me nothing for pain relief. Since that time I've filed 2 sick call to be seen by the CMS Regional Medical Director. One on 7/12/06 and another filed 8/8/2006, because I was told only the director could approve me for my pain back medication. However, I've received from Mr. Altman, quality assurance monitor, that this practice of discontinuing my back pain medication should never have happened and it is not policy that Soma be stopped.

Remedy Requested : Would like to have the proper medication and no more discontinuations.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES Date Received by Medical Unit : 08/22/2006

Investigation Sent : 08/22/2006 Investigation Sent To : Rodeller, Deborah

Grievance Amount :

Met with Mr. Pemble at 7:10am (10/17/06) and discussed with me my medical situation as a whole, and agreed with all my grievance issues. Said that he wasn't a doctor ask me about the Backlyn which is the medication they are now giving me in substitute for the Soma. First of all "Backlyn" is a muscle relaxer and not a pain reliever, so it doesn't do nothing. He said "I promise you that i'll make for you an appointment with our new medical director. You don't have to see NP. Chucks any more". I explained to him her selfish and unprofessional treatment towards me that dated back to 2004. He had no comment.

DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER
This request is for (circle one): **MEDICAL** DENTAL MENTAL HEALTH

JAMES Arthur Biggins

Name (Print)

5/11/64

Date of Birth

319264

SBI Number

E/Building

Housing Location

1/23/07

Date Submitted

Complaint (What type of problem are you having)? NEED to SEE Dr. VAN DUSEN IMMEDIATELY. I reported (via) letter to him in DECEMBER 2006, that THE MEDS he prescribed for my back was causing me to suffer irregular bowel movements when taken. Plus, once again im past my 90 day chronic care evaluation (1/17/07) AND AM COMPLETING OUT OF ALL MEDICINES AND CAN'T GET ANY UNTIL HE SEE'S ME!

James Arthur Biggins

Inmate Signature

January 23, 2007

Date

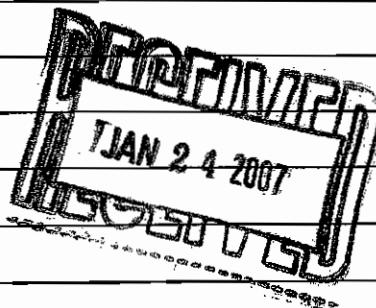
The below area is for medical use only. Please do not write any further.

S: Schedules C MD ec

O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____

A: _____

P: _____



E: _____

Provider Signature & Title

Date & Time

3/1/99 DE01

FORM#:

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Ex((O)(4))